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		Application Number	09/493,480			
TRANSMITTAL		Filing Date	January 28, 2000			
FORM		First Named Inventor	Cheever, Martin, et al.			
(te be used for all correspondence after initial filing)		Group Art Unit	1642			
\$ *		Examiner Name	J. Hunt	J. Hunt		
otal Number of Pages in This Submission	1	Attorney Docket Number	14058-00	14058-009810		
	ENCLO	OSURES (check all that apply)				
Fee Transmittal Form		ment Papers Application)	After Allowance Communication to Group			
Fee Attached	☐ Drawin	g(s)		Appeal Communication to Board of Appeals and Interferences		
Amendment / Response	Licensi	ng-related Papers		I Communication to G I Notice, Brief, Reply Brie		
After Final	n Routing Slip (PTO/SB/69) companying Petition	Proprie	etary Information	오		
Affidavits/declaration(s)		n to Convert to a onal Application	Status Letter			
Extension of Time Request		of Attorney, Revocation e of Correspondence Address		Enclosure(s)	:R 160	
Express Abandonment Request		al Disclaimer st for Refund	Return Re	eceipt Postcard	ECH CENTER 1600/2900	
Information Disclosure Statement	CD, Nu	imber of CD(s)				
Certified Copy of Priority Document(s)	Rema			charge any additiona	al fees to	
Response to Missing Parts/ Incomplete Application						
Response to Missing Parts under 37 CFR 1.52 or 1.53						
SIGNA	TURE OF	APPLICANT, ATTORNEY, C	R AGENT			
Firm Townsend and Townsend and Townsend Individual name Annette S. Parent	wnsend and		o. 42,058			
Signature Amit	tes	Parent				
Date 4/18/01						
	CE	RTIFICATE OF MAILING				
I hereby certify that this correspondence is class mail in an envelope addressed to: A	s being depo ssistant Com	sited with the United States Posi missioner for Patents, Washingt	tal Service wi con, D.C. 2022	th sufficient postage a 31 on this date: April 18, 2001	as first	
Typed or printed name Karen lovino				.		
Signature Swen	anina		Date	April 18, 2001		

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SF 1213275 v1

CHEET TO ANOMITTAL	Complete If Known				
FEE TRANSMITTAL	Application Number	09/493,480			
APR 2 5 2001 S	Filing Date	January 28, 2000			
APR 2 3 2001 (S.)	First Named Inventor	Cheever, Martin, et al.			
Patent fees are subject to annual revision.	Examiner Name	J. Hunt			
N. S. M.	Group Art Unit	1642			
TOTAL AMOUNT OF PAYMENT (\$) 0	Attorney Docket No.	14058-009810			

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METHOD OF PAYMENT						FEE C	ALCULATION (continued)				
The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:		3. ADD	ITIONAL	FEES							
Deposit			nd credit any o	ver payments to:		Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid_
Account Number	20-14	+30			ı	105	130	205	65	Surcharge - late filing fee or oath	
Deposit						127	50	227	25	Surcharge - late provisional filing fee or cover sheet.	
Account	Townse	nd and	Townsend and	Crew LLP		139	130	139	130	Non-English specification	
Name						147	2,520	147	2,520	For filing a request for reexamination	
_	CFR 1.16 a	ind 1.17	•			112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
See 37	t claims sma CFR 1.27		status.			113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	<u>E</u>
2. 🗌 Paym	ent Enclose	ed:				115	110	215	55	Extension for reply within first month	工
☐ Check	☐ Credi	it card	☐ Money Order	☐ Other		116	390	216	195	Extension for reply within second month	
				···	ᅥ	117	890	217	445	Extension for reply within third month	
1. BASIC F	ILING FEE	EE CAL	CULATION			118	1,390	218	695	Extension for reply within fourth month	ER !
	Small Er	ntity				128	1,890	228	945	Extension for reply within fifth month	6
Fee Fee			ee Description			119	310	219	155	Notice of Appeal	8
Code (\$)	Code (\$			Fee Paid	· I	120	310	220	155	Filing a brief in support of an appeal	<u> </u>
101 710	201 35	-	tility filing fee			121	270	221	135	Request for oral hearing	290
106 320 107 490	206 16 207 24		esign filing fee lant filing fee			138	1,510	138	1,510	Petition to institute a public use proceeding	
108 710	208 35	55 R	eissue filing fee			140	110	240	55	Petition to revive – unavoidable	
114 150	214 75	5 P	rovisional filing	fee		141	1,240	241	620	Petition to revive – unintentional	
				(0)0		142	1,240	242	620	Utility issue fee (or reissue)	
	SUB	TOTAL	(1)	(\$)0		143	440	243	220	Design issue fee	
2. EXTRA CLA	M FEES				7	144	600	244	300	Plant issue fee	
				from Fee	ı	122	130	122	130	Petitions to the Commissioner	
Total Claims 2	-92**	= 0	laims bel	ow Paid =		123	50	123	50	Petitions related to provisional applications	
Independent Claims 2	-4**	= 0	×	=		126	180	126	180	Submission of Information Disclosure Stmt	
Multiple Dependent		<u> </u>	×	=		581	40	581	40	Recording each patent assignment per property (times number of properties)	
Large Entit	y Small Fee	Entity Fee				146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
Code (\$) 103 18	Code 203	(\$) 9	Fee Descripti			149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
102 80	202	40		daims in excess of 3		179	710	279	255	Request for Continued Examination (RCE)	
104 270	204	135	Multiple deper	ndent claim, if not paid			710				
109 80	209	40	** Reissue ind original patent	lependent claims over t		169	900	169	900	Request for expedited examination of a design application	
110 18	210	9	** Reissue cla over original p	ims in excess of 20 and patent			e (specify				
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						*Reduc	ed by Ba	sic Filin	g Fee Pa	aid SUBTOTAL (3) (\$)0	
**or number previ	ously paid, if g	greater; F	or Reissues, se	e above	- 1						

SUBMITTED BY Complete (if applicable)									
Name (Print/Type)	Annepte \$. Parent	Registration/No. (Attorney/Agent) 4	12,058 Telephone	415-57,6-0200					
Signature	mutt	TI Parent	Date	4/18/0/					

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Art Unit 1642; Assistant Commissioner for Patents, Washington, D.C. 20231, on April 18, 2001.

Attorney Docket No.: 014058-009810US Client Ref. No.: CX-98-0028

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APR 2 7 2001

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TOWNSEND and TOWNSEND and CREW LLP

By: Saren Dorino

Karen Iovino



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Cheever et al.

Application No.: 09/493,480

Filed: January 28, 2000

For: HER-2/NEU FUSION PROTEINS

Examiner:

J. Hunt

Art Unit:

1642

PRELIMINARY AMENDMENT AND RESPONSE TO RESTRICTION

REQUIREMENT

Art Unit 1642 Assistant Commissioner for Patents Washington, D.C. 20231

Sir:

IN THE CLAIMS

Please cancel claims 1-92 without prejudice to subsequent revival. Please add new claims 93-116 as follows.

Solo /

extracellular domain fused to a HER-2/neu phosphorylation domain, wherein the protein has a sequence at least 80% identical to the sequence of SEQ ID NO:6, or wherein the protein comprises a sequence at least 80% identical to the sequence of SEQ ID NO:3 fused to a sequence at least 80% identical to the sequence of SEQ ID NO:4, and wherein the protein is capable of producing an immune response in a warm-blooded animal.